יי ביניי ב משמלשטט בער מטרייבים

## CAPT. SIGSBEE TOLD SCHLEY.

INFORMED HIM THAT SPANISH FLEET WAS AT SANTIAGO.

Not Certain That the Message Reported Cervera's Arrival or Made the Unqualified Statement That He Had Statement He (Sigsbee) Told Schley That He Didn't Believe Spanish Ships Were There Rear Admiral Evans, Under Cross-Examination, Adheres to His Previous Statements Newspaper Correspondent's Memorandum, Made at the Time of the Brooklyn's Loop, Called It "a Close Shave" for the Texas.

WASHINGTON, Oct. 1 .- Capt. Charles D. Sigsbee appeared to-day as a witness before the Schley Court of Inquiry and gave testimony of importance in a manner that left no doubt of his desire to be fair to every body concerned. His answers were care fully and cautiously worded, but, withal was frank and gave the impression of perfect sincerity. His most important evidence was in relation to information given to Admiral Schley off Santiago on May 26, 1898, when the latter was preparing to start for Key West. Capt. Sigsbee was veyed to Admiral Schley knowledge of the Navy Department's despatch saying that the Spanish fleet was at Santiago, but he could not say, with certainty, that he had handed the message to Admiral Schley. or just what message it was, whether on saying that Cervera was reported to have arrived there or making the unqualified statement that he had arrived. However, Capt. Sigsbee was sure that he had told Admiral Schley that the Navy Department believed Cervera was there and that the Department wanted Schley to stay, advice which the witness joined.

Capt. Sigsbee denied positively Admiral Schley's written statement to the Senate that he (Sigsbee) had told Schley of Santlago that he didn't believe the Spanish chips were in that port. On the contrary, he said he did believe it and had so informed Schley. On cross-examination be denied making a statement contained in a letter of Admiral Sampson's to the Navy Department that Sigsbee had told him that on May 29 Schley was blockading Santiago at a distance of twenty-five miles. Rear Admiral Robley D. Evans was closely cross-examined to-day by

Rayner, of Admiral Schley's counsel, bu he adhered to the statements he made or the stand vesterday and did not modify any of them. He admitted, under Mr Rayner's questioning, that he had advised Schley not to risk his ships in fighting shore batteries alone.

Thomas M. Dicuaide, a newspaper cer-

respondent, who was on the flying bridge of the Texas with Capt. Philip during the engagement with Cervera's fleet, produced notes made during the battle and read from them to show that the Texas, as two officers and two machinists of that vessel had testified, was obliged to reverse her engines to keep from being run down by Brooklyn when the loop of that ship was being executed. His contemporaneous memoranda said that it was "a close shave" for the Texas.

A chief yeoman who had served as clerk to Admiral Sampson in the war with Spain was placed on the stand to prove that certain information of value, of which Admiral Schley had not taken advantage, had been sent by Sampson to that officer by the Iowa and the Dupont, but under crossexamination he could not produce any record to corroborate his assertion to that

On account of the sudden death of his sister vesterday, Capt. Lemly, the Judge Advocate, did not participate in the inquiry to-day. Mr. Hanna, his assistant,

ADMIRAL EVANS CONCLUDES When Rear Admiral Roblev D. Evans

the first witness, resumed the stand to be cross examined by Mr. Rayner as to his testimony of vesterday, the spectators' seats were full and a great many people were standing in the rear of them. Mr. Rayner began with a reference to Admiral Evans's failure to tell Admiral Schley at Cienfuegos of the secret arrangement given to the witness by Capt. Chadwick, Chief of Staff to Admiral Sampson, for communicating with the insurgents ashore near that place.

Q. At the time that Capt. Chadwick gave you the signal code which had been communicated to him, did he instruct you.

communicate it to Commodore Schley your arrival at Clenfuegos? A He Q. Did you have a conversation with

Commodore Schley on the 4th of July on his flagship at Santiago, in the course of which you used this language: "Did you know that Capt. Philip started to run away at the beginning of the battle?" to which Commodore Schley replied: "You are mis-taken about that I saw nothing of the kind. The Brooklyn made a turn and must see that the actual situation le it necessary." Did you have that conversation or any part of it?

Admiral Evans -I do not recollect being on board the Brooklyn on the 4th of July at Guantanamo, and I am quite positive that I was not on board the Brooklyn off that I was not on board the Brooklyn off Santiago but once. As to that conversation, I never said anything to that effect. I think that Commodore Schley discussed the po-sition of the Texas when the fight began. The Texas was lying with her head to the east. She turned with her starboard helm and headed off in the same direction. She fired from her port battery. I think that that was the question I discussed with Comthat was the question I discussed with Com-modore Schley But that I ever intimated that Capt Philip attempted to run away with the Texas is preposterous on the face

Q. Did you have a conversation with Admiral Schley on the same day and at the same place or at any other place in which you used substantially the following language. I shot the bow off the Furor, the stern off the Pluton, put my helm to starboard and raked the Theresa and knocked out the Vizcaya? A. To the best of my knowledge and belief I never used such language.

Q. Were not the commanding officers of the squadron all on board the flagship Brooklyn, by signal, on the morning of May 27 after the Colon was discovered? A. They were.

Q. Can you recollect what took place at Q. Can you recollect what took place at the conference of the commanding officers at that time? A. In a general way, yes. Commodore Schley was in the cabin of the Brooklyn when we assembled. There was a general talk about the Spanish fleet hav-ing been located, at last, at Santiago. I do not recall any special conference. I do ing been located, at last, at Sentiago. I do not recall any special conference. I do not think it was in the nature of a conference. I do not recall that the officers were asked to express an opinion. I remember having a conversation with Commodore Schley as to the effect of fighting land batteries with ships, in which I told him of my experience at San Juan and expressed to him the opinion that it was not worth while to risk ships fighting the above batteries above but that in the one shore batteries alone, but that in the under consideration the conditions changed and we would have to take fire from the batteries in order to get at the enemy's ships. I remember Commodore Schley remarking further before we left, that he felt that the country held him responsible that the ships should not be risked under the fire of shore batteries until the

Spanish fleet was destroyed Q. I call your attention to the statement of Capt. McCalla of the Marbielead as to this conference. He says that Commodore Soliey explained to the commanding of the T foors that it case the Spanish ships came out he wished to concentrate the fire of all of our ships on a portion of those of the emerny, that this was not a tactical concentration of our whole fire on the enemy.

but as a direction of our whole fire on several of the enemy's ships; that Capt. Evans asked Commodore Schley it if was his intention not to steam at the enemy's ships in case they came out, and that Commodore Schley answered: "Certainly," and added words indicative of his intention to attack them as they came out. Do you recollect that? A. I recollect it perfectly.

Q. Is that a correct statement? A. Quite correct.

Q. So that there was a plan of battle arranged by Commodore Schley, was there not? A. Nothing but what you have read.

Q. Was not that the same order that was afterward given, substantially, by the Commander-in-Chief? A. You have not read anything to intimate the plan of battle. He said he meant to attack them as they came cut: Q. I want to read to you two reports of

Q. I want to read to you two reports of the engagement with the Spanish equadron—your own report and that of Admiral Sampson—and I would like you to tell me whether there is any conflict between them. Your report is "About the same time (about 10:25) the fire of this vessel, together with that of the Gloucester and another smaller vessel, proved so destructive that one of the torpedo boat destroyers (Pluton) was sunk, and the Furor was so much damaged that she was run up on the much damaged that she was run up on the rocks." Admiral Sampson's report is: "The Vizcaya was still under the fire of the leading vessels; the Cristobal Colon had drawn ahead, leading the chase, and soon passed beyond the range of the guns of the leading American ships. The Vizcaya was soon set on fire, and at 11.15 she turned in shore and was bested." and was beached. Can you explain this discrepancy in time? A. The time given

discrepancy in time? A. The time given in my report was given by the navigator, of course. I, as Captain, did not take the time from the clock. As to the other time, I do not know anything about it.

Mr. Rayner referred to the chart for the purpose of showing by the distances of relative points that the time given by Admiral Evans could not be correct. He got Admiral Evans to say that the lowa was going at the rate of 9½ miles an hour, and asked how she could have made eight miles in twenty-five minutes at that rate.

We were only about four miles from the Vizcaya then, the Iowa being well inshore, said Admiral Evans. To further questions he said it would have taken the Iowa nearly an hour to get alongside the Vizcaya, but

he said it would have taken the Iowa nearly an hour to get alongside the Vizcaya, but not to get abreast of her.

By Mr Hayner:
Q. I understood you to state yesterday that the elevating gear of your 12-inch guns was deranged by the extreme range (11,500 yards) at which they were fired.
Was not the elevating gear of some of your smaller guns also deranged on July 2, when you were bombarding the shore batteries at a range of 2,500 yards? A Yes.
Q. And were you not compelled on July 2 to withdraw your ship from the action?
A. No, sir; we stayed in action till everybody else went out.

else went out.

Q Do you recollect making a statement preferring to Admiral Evans's book] that during the blockade off Santiago. "During the night we steamed slowly back and outh, closing in somewhat before dayinght"? A That was the rule off Santiago

light? A That was the rule off Santiago—to close in at or before daylight.

Q. What was the weather off Santiago in regard to the possibility of coaling from June 1 to July 3? A. Generally speaking, good. We coaled continually off Santiago from the 1st of June to the 3d of July

July.

Q. You coaled at sea? A. Yes.
Q. Were you not considerably worried and very anxious in regard to coaling your vessel at sea, off the port of Santiago, during this time? A. I was not worried. I was anxious about it.

was anxious about it.

Q. Did you not state that a great load had been lifted from the mind of the commanding officer, and particularly from the mind of the Commander-in-Chief when a coaling place was secured near Santiago?

A. Yes, it was not so much on account. Yes, it was not so much on account the large vessels as on account of the

lenfuegos, or on your way from there to santiago, you had any orders of battle.

No. We steamed in column as a rule, with flankers out on each side.

Q. Had you any instructions as to what
was to be done if the enemy were to appear
suddenly? A. We had not any instruc-

Thomas M. Dicuaide, a representative of the New York Evening Sun, followed Admiral Evans. As a newspaper corre-spondent he was on board the Texas in the West Indian naval campaign. He was fal Evanselett he was on board the Landian naval campaign. He was Indian naval campaign the testimony of Hollner, Chief called to corroborate the testimony of Lieutenant Commander Heilner, Chief Engineer Bates, and two machinists that Texas was obliged to stop to get out of the way of the Brooklyn when that vessel

her famous loop. Mr Hanna's questions he said that ne went to the flying bridge on the morn-ing of July 3 when the alarm was sounded and was there as long as capt. Philip was. He then went with Capt. Philip to the lower bridge and stayed there until the battle was over.

At Mr. Hanna's suggestion the witness

produced a book of notes he had made dur-ing the battle. The first entry was: 9.35. Cervera coming out. followed by Enemy escaping: general signal 25. "9.38, forward 6-inch."

THE BROOKLYN'S "LOOP."

The witness said he saw the Brooklyn for the first time after the battle began ten to fifteen minutes after the general alarm. The Brooklyn was off the port bow of the The Brooklyn was off the port bow of the Texas and seemed very close. She was heading at about right angles to the Texas. Mr. Dieuaide then read this extract from his notes. "9.50, step both engines, helm hard a-starboard."

Mr. Harna Who gave the order?

A. Capt. Philip.

Q. Where was the Brooklyn when that order was given?

A. I presume that the Brooklyn was right in front of the Texas. I saw her a

Have you any entries regarding that? Q. Have you any entries regarding that.
A. The very next entry here is: "3,100 yards range at second vessel," and an entry regarding the firing of Lieut. Haeseler's

2-inch gun.

Mr. Rayner objected to the representaive of a New York paper testifying as
be ranges, and the witness explained that
e was merely giving notes from ranges
innounced. Mr. Rayner thereupon withdrew his objection.

The next note read by Mr. Dieuaide from his book was: It was Brooklyn—

shave. A. How close was the Brooklyn to the A. How close was the Brooklyn to the Texas? A. I would not like to give an exact estimate of the distance.

Q. Could it have been half a mile away?
A. I should think not nor anything like it. I would not suppose it was a quarter of a mile when I saw her. I was standing just aft of the conning tower, by the entrance, on the lower bridge and it was in that way that I heard these orders given. I heard Capt. Philip's voice and wrote it down as he said it. Then I wrote the other two entries because they came immediately. two entries because they came immediately afterward. Then I went around the lee side of the coming tower to find out why we stopped. I asked Capt. Philip and he waved his hand toward the Brooklyn.

I looked and saw her. Capt. Philip said Look at that fellow going out to sea. Then I went to the other side of the tower The witness stated that Lieut Heilner was the only other officer on the bridge at the time. There might have been a tnessenger By Admiral Dewey:

Q Did you hear Capt. Philip give any order to back the engines? A I did not I turned away then.

Q. You would have heard it, would you not? You seem to have heard everything else. A Oh, no: I did not hear everything.

In reply to Mr. Banna's questions the In reply to Mr. Hanna's questions the witness said that early in the afternoon of May 24 he was rowed in a small boat from the Texas, then lying off Cienfuegos, to THE SUN despatch boat. Premier, a distance of some three miles, from the despatch boat to the Brooklyn and from the Brooklyn to the Texas. This testimony was brought out in relation to the state of the weather and sea off Cienfuegos on that date.

on that date.

To a question as to whether he saw the Oregon and the Iowa during the battle the witness answered in the affirmative. The Iowa, he said, was abaft the beam of the Texas on the starteard side, and the Oregon was the nearest ship and passed the Texas between that vesses and the

O'conservamined by Mr Rayner, Mr. Languer Brown Quining Tablets out a soil is one Discussion said that he was on the Texas day. No Cura No Pay Price S othis add.

during the war as a representative of the Scripps-McRae Press Association. Q. Did you not write for THE SUN? A. What I wrote went to THE SUN, I

believe.
Q. Did you not write a story of the battle which was printed in Tax Sun? A. Yes. Q. When did you write it?

A. During the chase of the folon.
Q. I want you to produce that paper, so that we can see if that story contains anything of what you have here testified to.
A. I can tell you right here that it does

Capt. Parker of Admiral Schley's coun Capt. Parker of Admiral Schley's coun-sel, tried to make it appear that the wit-ness had said that Capt. Philip had ordered the helm hard a starboard when the Brook-lyn was on the port bow of the Texas, but Admiral Dewey interrupted to say that the witness had not said anything of the kind. The official reporter then read the testimony, showing that Admiral Dewey was correct.

was correct.
When Mr. Hanna asked Mr. Dieuaide
why he had not mentioned these things
in his report. Mr. Rayner objected to the
question, on the ground that the witness in his report. Mr. Rayner objected to the question, on the ground that the witness had stated that he had written the account of the day's battle and had not mentioned it then. He maintained that the newspaper report was the only evidence that should be admitted on that point.

After a long argument between Mr. Rayner and Mr. Hanna, in which the former declared that this was not an impreschment.

declared that this was not an impeachment of the witness. Admiral Dewey overruled the objection and Mr. Dieuaide was perthe objection and Mr. Dieuaide was permitted to tell about the omissions.

The witness. The reason I did not write it at the time, sir, was because Capt. Philip asked me not to not in so many words, but asked me not to make any criticism of anybody. His exact words were: "Make everything nice for everybody." At the same time, I did not, myself, care to write it. It was time of war, and it was not proper for a correspondent aboard. was not proper for a correspondent aboard was not proper for a corresponding particularly a battleship to make criticism, particularly of a commanding officer. Capt. Philip of a commanding officer. Capt. Philip had said to me a number of times aboard the Texas that he had every confidence

that I would write nothing that would reflect in any way upon anybody in the Service. By Mr. Rayner. Q. How did you make it nice for every-body?

A By not saying anything about this matter.

The witness said he could not remember what he said about the Brooklyn in his report of the battle.

He was then asked if he had written a that appeared in the New York

report that appeared in the New York Sun under the headline: "It Was Schley's Victory."

The witness said he was not responsible

for the headlines.

Mr. Rayner.—I want you to produce that story.
Mr. Hanna (to Mr. Rayner)—We object to your introduction of such matters in the record. If there is any desire to discredit the witness there are regular legal ways of doing it. If it is desired to lay the his impeachment by asking any questions I shall interpose no objection

Mr. Rayner I ask the Court to order the witness to bring the paper into the court and let me look at it, and if it is objectionable I will not offer it. Admiral Dowey requested the witness to produce the paper with the understanding with Mr. Rayner that it should not be offered

unless it bore on the matter at issue

CAPT. SIGSBER CALLED Capt Charles D. Sigsbee, best known as the Commander of the Maine, when she was destroyed in Havana harbor, walked briskly down the long court room when his name was called. He said he was now Chief war with Spain had commanded the auxiliary cruiser St. Paul (the American Line steam-

chip of that name). Capt. Sigsbee told of arriving off San tiago to scout on May 21, 1888, and under instructions from his senior officer, Capt. Wise, to report to Commodore Schley that the Spanish squadron was probably in

Santiago harbor.
Mr. Hanna then asked Capt. Sigsbee as to the truth of the following statement made by Admiral Schley in his defense to the United States Senate: "After having been informed by the

'scouts,' commanded by such officers as Sigsbee, Jewell and Wise, that, although they had all been off Santiago for a week they had seen nothing of it (the Spanish fleet) and knew nothing of its movements or its whereabouts since it had left Cur-acao, after having been assured by Sigaboe

that he did not believe it was in Santiago.

I deemed it best to take the action I did "namely, order the retrogade movement from Santiago to Key West.

A wrangle arose before Capt. Signise could answer, Mr. Rayner insisting that Mr. Hanna should have read the sections from the beginning. The parts to the ormission of which Mr. Rayner objected are: "Acting in accordance with my best judgment, in view of the circumstances, without any certain knowledge as to the wthout any certain knowledge as to the whereabouts of the Spanish fleet," pre-ceding the sentences read by Mr. Hanna Mr. Rayner and Mr. Hanna argued until

When the court reassembled Mr. Rayner withdrew his objection and Capt Sigsbee was asked by Mr. Hanna. Did you make was asked by Mr. Hanna. Did you make such a report to the commander of the lying Squadron?"
"I stated that we had seen nothing of the Spanish fleet," said Capt. Sigabee.
"I may have stated that we knew nothing

absolutely positive about its movements, but I tried to make it plain that I believed it to be there."
Capt Sigshee here turned to Admirals Dewey. Benham and Ramsay and said he desired to make an appeal to the Court in regard to an objection of Mr. Rayner's to having him state his belief at that time as to the whereabouts of Cervera. Mr. Rayner withdrew his objection, but@not understanding this, Capt. Sigsbee addressed the Court. be there

dressed the Court
"This case," he said, "is one involving "This case," he said, "is one involving eputation. It has been stated by Admiral Schley in his report to the United states Senate that I expressed a certain selief [meaning that Cervera's fleet was not in Santiago], and I desire to state, under the state in the state of the sta oath, what I really did say. That will be according to the ethics of the Navy De-partment. I think the defence ought to

Continuing his examination, Mr. Hanna asked the witness. "Did you assure Commodore Schley that you did not believe the fleet was in Santiago?"
"I did not say I believed the fleet was not there," said the witness, "I said I had

of seen it."
[Capts, Wise and Jewell, the other two officers mentioned by Admiral Schley, have denied on the stand so much of the statement quoted above from Admiral Schley's defence to the Senate as affected

them | Did you give him any assurance point-ing in that direction? asked Mr. Hauna. ing in that direction? asked Mr. Hanna.

"My orders from the Navy Department."
answered Capt. Sigsbee, "said the Spanish fleet had arrived there [Santiago]. I gave him, first, the order from the Navy Department. Then I stated that the day before I had captured the British steamer Restormel, and that the captain had made the statement I have already given [that the Restormel was bound for Santiago with coal for Gervera's fleet, having followed the latter from Curacoal. I desire further to say that I gave him certain documents, and these documents have since been found on the files of the Navy Department to which they were turned over by Admiral which they were turned over by Admiral

The documents mentioned by Capt Significant were read to the court. They con-issed of a letter to the judge of the prize court at Key West, informing him of the capture of the Restormel, close up to the Morro, in broad daylight as she was at-tempting to enter Santiago harter, and a letter to Commodore Schley, in which Capt Sigsbee told of the capture of the Restormel and said. No news here. I

Mr. Hanna then read from the Brooklyn's press copy book the following telegram from Commodore Schley to the Navy De-\*Post ANTONIO, May 29, 1898.

\*Secretary of the Nory, Washington

\*Collier now tass been repairing temporarily, and able to make six or seven knots.

and Works Of the Cold.

an hour. I shall endeavor to coal the Marblehead and Texas in open sea and retain position off Santiago until coal supply of larger vessels is reduced to lowest safe limit. Will then go to Gonaives. Hayti, or coast, or near Port au Prince to coal. A good opportunity occurring yesterday, the Marblehead and Texas took a quantity of coal off Santiago, which enables me to hold that place until coal has been re-duced so much as to force me over to Hayti to replenish. Two more colliers, well equipped, to report at Gonaives, Hayti.

argently needed to coal hastily all vessels when chance occurs."

At Mr. Rayner's request Mr. Hanna read

At Mr. Rayner's request Mr. Hanna read a letter written by Capt. Sigsbee on the St. Paul at Mole St. Nicholas, dated "Evening. May 29, 1808," in part as follows: "Dear Commodore Schley:

"I have read the telegrams here for you. Do as you are doing and you will do all right. The Department expects you to exercise great efforts to keep in coal. The Department says you may coal singly here. The Department does not understand your limited force here, of course. Two colliers have been ordered here for your vessels."

Mr. Hanna read the sentence "Do as you are doing and you will do all right," and asked Capt Sigsbee: "What was the Flying Squadron doing three?"

COALING THE SHIPS

"That was based on the tenor of the cipher telegram from Commodore Schley, which I found at the Mole, and one from the Navy Department," Capt. Sigsbee replied: "At that time the Flying Squadron the Navy Departime the Flying Squadron plied: "At that time the Flying Squadron was off Santiago, and I believed it was Commodore Schley's intention to coal his ships off Santiago. When I was off Santiago ships off Santiago. The and I had urged Comthe weather was fine, and I had urged Commodore Schley to take advantage of that
kind of weather, stating that it was better
than anything I had had off that port. I
left Santiago on the morning of the day I
wrote that letter, May 29.

To other questions Capt Sigsbee said that
coaling the Flying Squadron was not discussed when he went on board the Brooklyn
on May 26, further than that Schley said
he had hoped to coal at Gonalyes, but was

he had hoped to coal at Gonaives, but war dore Schley informed the witness that the Flying Squadron was going to Key West

"Did he ask you if you believed the

Santiago?" asked Mr. Hanna.
"I do not remember any question in such terms," said Capt. Sigsbee.
On taking the witness for cross-examination, Mr. Rayner sought to find out what information had been given by him to Commodore Schley on May 29, the day the Flying. Sujardon, approached close, to Commodore Schley on May 29, the day the Flying Squardon approached close to Santiago and saw the Colon in the harbor. Capt. Sigstee said he saw the Colon and another armorelad there and reported it to the Brooklyn, which signalled that she had seen them. To questions of Mr. Rayner's, he said he did not know of any offer made by Lieut. Glimore to go ashore and find out about the Spanish fleet. Mr. Rayner quoted a report of Capt. Sigsbee's, telling of seeing some vessels on the 29th, which he thought might be the enemy, but which proved to be the Flying Squadron, and then said:

hen said: is shows that you thought it possible on the 29th, that the Spanish squadron was not in port?"

Mr. Hanna objected and the question

was withdrawn, but put in another form and Capt Sigsbee answered that when the he Spanish squadron was approaching the \*Did you megaphone to the press boat of the New York Herald or World that the

the New York Herald or World that the Spanish fleet was not in Santiago?" asked Mr. Rayner.
"Never," said Capt. Sigsbee.
"Do you recollect any megaphone from your ship to the Herald press boat?"

your ship to the Herald press boat?

"Yes, the press boat megaphoned that Schley had the Spanish squadron bottled up in Cienfuegos. I replied (with a little expletive) that I had had it bottled up in Santiago myself for a week. That was before the arrival of Commodore Schley."

Mr. Rayner then read from the press copy book of the New York and read a letter from Admiral Sampson to the Navy Department, in which the Admiral said that Capt. Sigsbee had told him that Comnat Capt. Significe had told him that Com-ledore Schley was blocking Santiago a distance of twenty-five miles on May 29. Mr. Hanna objected to the production of some additions and changes made to press copy letters that we have," he remarked, meaningly Mr. Rayner intimated that this Rayner got in his question by putting it this way. "Did you ever have a conversa-tion with anybody that Commodore Schley was blocking Santiago at a distance of

twenty-five miles to the westward."
"I did not," answered Capt. Sigsbee SIGSBER'S REPORT TO SCHLEY.

The Court had some questions to ask apt. Sigsbee. With his answers they Capt. Sigsbee. With his above.

Q. What was the state of the sea on the afternoon and evening of May 25, when you communicated with the Flying Squadron to the south of the port of Santiago?

A. The sea was heavy for boats, but it was moderating. That is, it was more moderate than it had been for three days before. I should say, however, that it would have been a very fine job to coal from a collier alongside.

breeches. He also were a cocked national other Judges wore the usual dress with high hats.

The addresses had been presented at the Government buildings, where over ten thousand people gathered to cheer the royal visitors, along the streets were thousands more, including large numbers from the United States, who came on specially chartered alongside. Admiral Dewey You mean a difficult

Job.
Capt Sigsbee A difficult job.
By the Court—Did Capt. Wise communicate to you a despatch from the Navy
Department, stating that the Spanish squadron was at Santiago? A I remember to describe that a communication. no despatch. I had a communication on Capt. Wise to that effect Capt. Wise to that effect.
Did you make any effort to ascertain whether the Spanish squadron was at Santiago prior to May 28? A Except by Santiago prior to May 28? A. Except by keeping up watch.

Q - What information did you communicate to Commodore Schley on May 26 regarding the whereabouts of Cervera's

A The Department's order to ing me to proceed to Santiago, which I that the Spanish fleet had been ported there, and the report of the cap-n of the Restormel. I recall nothing

Captain Sigsbee said that he did not remember getting any despatch from Capt. Wise to carry to Commodore Schley except one received by Wise at Cape Hay except one received by Wise at Cape Hay-tien, on May 20. This was a despatch to the Yale, saying "The Spanish fleet arrived at Santiag, de Cuba on May 19," but he could not say positively that Capt. Wise had given him a copy of this mes-eage for delivery to Schley. To Mr. Rayner Capt. Sigsisee said that he could not find this despatch, but the purport of it was stated in an official report from him. He produced the report and read from it. produced the report and read from it. My orders stated that the Spanish fleet

had been reported at Santiago."
Did you give that order to Commodore Schley?" asked Mr. Rayner. Schley?" asked Mr. Rayner
"He was informed of it, but I don't recall
the fact of having given it to him," said Capt Sigsbee Here more questions by the Court were

Q Did you receive a despatch from the Q Did you receive a despatch from the Department, dated May 20, stating that the Spanish fleet had arrived, or was to arrive at Santiago on the 19th? A. Yes. Q. Did you show that despatch to Commodore Schley on May 26? A. I cannot recall the act of showing it. I presume I did show it, but that I informed him of it I remember. was a long discussion between

Mr. Hanna, Mr. Rayner and Capt Sigsteen as to what despatch Capt. Sigsteen had carried to Commissione Schley or delivered the purport of to him. This despatch identify a as the one in question
-WASHINGTON, May 20, 1898

"Nt Louis, Care American Consul, Mole St. Nicholas, Hayti
"The Spanish fleet arrived at Santiago de Cuba on May 19. If your coal permits proceed at once of Santiago de Cuba watch carefully, and keep in communication with the Spanish fleet, reporting information. The Minneapolis, St. Paul (Sigalee's ship), Harvard and St. Louis have same orders. orders. (Signed) Love same orders. (Signed) Love Love (apt. Signlese said he did not recall that the despatch he had was phrased exactly that way, but the purport was the same. Then Mr. Rayner sought to show that this was the despatch Capt. Signlese had Washington, May 19, 1898.

To Minneapolie, St. Thomas, Danish West Indies:

"Proceed at once off Santiago de Cuba; the Spanish feet reported there; Schiey ordered there.

"(Signed) Long."

To Mr. Rayner Capt. Sigsbee said that he received his despatch on his arrival at Cape Haytien about noon on May 20, and remembered it had been received at the cable office at 10:45 the night before.

"Then that settles it," exclaimed Mr. Rayner triumphantly. "You couldn't have received a despatch on May 19 that was not sent from Washington until May 20."

Mr. Hanna would not agree to this. He asserted that the date might be a mistake. He and Mr. Rayner couldn't reach an agreement on this point, and while they were talking about it, the Court handed another question to Mr. Hanna to read:

"Did you see the lesspatch signed 'Long,' dated May 20, addressed to the St. Louis, the Minneapolis, the St. Paul or the Harvard, prior to your meeting with Commodore Schiev on May 26?"

Capt. Sigsbee I have no recollection of it.

Capt. Sigsbee I have no recollection To Mr. Hanna Capt. Sigabee said be

To Mr. Hatha Capt. Sigators said he had communicated to Commodore Schley on May 26 the substance of all despatches from the Navy Department and all the other information he had. May 26 was the day Commodore Schley left his position of Santiago for Key West. Gustave Becker, a chief yeoman in the navy, who served as clerk to Admiral Sampson on the New York in the Spanish Sampson on the New York in the Spanish war, was called to show by the journal which he kept for Admiral Sampson that the memorandum of Capt McCalla, telling Schley where there was a good landing place for troops near Cientuegos and that insurgents went into the town and could obtain information, had been sent to Schley by the Iawa and the Dupont which arrived at Cientuegos, where the Flying Squadron then was, on May 22,4 two days before Schley found out that the which serived at themse, on May 22.4.
Flying Squadron then was, on May 22.4.
Flying Squadron then was, on May 22.4.
Flying Squadron then was, on May 22.4.
Flying Squadron themse was, on May 22.4.
Flyin days before Schley found out that the Spanish fleet was not there. He said/that these vessels carried copies, but, under cross-examintation by Mr. Rayner, he could not show any record to support that statement either in Admiral Sampson's journal or the New York's press copy book which he had said would show it. He asserted, however, that he remembered that the memorandum had gone on the lowa and Dupont.

"We deny that the Dupont or Iowa carried it," said Mr. Rayner "We admit that the Hawk (which reached Clenfuegos May 23) carried it."

May 23) carried it."
Mr. Bayner said that he would call on Navy Department for the copies this memorandum sent to Commodore Schley (Mr. Hanna having said that it was believed that there were four copies), and the court then adjourned until to-

#### ROYAL VISITORS AT VICTORIA Duke and Duchess Welcomed There by Large Crowds.

VICTORIA, B. C., Oct. 1 -The royal party arrived here at 11 o'clock this morning on he steamer Empress of India, convoyed by the British cruisers Phaeton, Amphion and Condor and the torpedo boat destroyer Sparrow Hawk and the Canadian cruiser Quadra The Duke and Duchess of Cornwall and York were warmly welcomed. On the other side of the wharf the salmon

hip Charles Cotesworth is loading, and her crew as well as garbing their ship with flags had tied great pine branches to every spar. Far out on the ends of every yard, high in the air, numbers of spectators were crowded. As the steamer came alongside he wharf many of the royal party brought their cameras to focus on the unique scene. The war ships which convoyed the lines fired a royal salute on arrival, and as the steamer came alongside the wharf, the saluting battery at Work Point Barracks fired a salute. Then, after saluting again, the fleet glided past the stern of the liner t

Esquimault. Lieut Gov. Joly de Lotbinière was on the wharf to greet the royal party with the Cabinet members and officials, excepting the Premier, who was called away to his burning mine by the sad catastrophe of last night. When Sir Wilfrid Laurier in-Bay days, when Sir James the Songish In-the site of Victoria from the Songish In-three blankets. Chief Justice dians for three blankets. Chief Justice Martin of the Supreme Court, who is noted Martin of the Supreme Court, who is noted for his dignity, was the most notable figure on the wharf. He appeared in black slik knee breeches and the uniform of a Supreme Court Judge, as given in the old heraldic codes. He were a long wig reaching over his shoulders a crimson robe with ermine trimmings and a big cape of ermine covering a silk uniform of blouse and short breeches. He also were a cocked hat. The other Judges were the usual dress with high her.

After lunching with Admiral Bickford After lunching with Admiral Bickford After Lunching with Admiral Bickford opened an exhibition and to-night held a reception at the Government buildings.

## British Convey Captured.

Special Cable Despatch to THE SUN. LONDON, Oct. 1 - A large British convowhich was leaving Melmoth, Zululand, on Sept. 29, was captured by the Boers. Six

Irving-Terry Company to Sall on Oct. 5 Special Cable Despatch to THE SUN LONDON, Oct. 1.—The Irving-Terry com pany will sail for New York on Oct. 5 or Atlantic Transport Line steamship

Minnehaha No Dividend by Irving's Theatre

Special Cable Desputch to THE SUN LONDON, Oct. 1 No dividends will be paid on the preferred shares of the Lyceum Theatre for the half year ending Sept. 30.



# To California Through Colorado

A comfortable, interesting and inexpensive way of going to the Pacific Coast is to join one of our Personally Conducted parties which leave Chicago and St. Louis every week for Los Angeles, over the route outlined above, by way of Denver. All the magnificent Colorado mountain scenery is passed by daylight.

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CUBAN CONVENTION AGREES. Names a Committee to Act in Election Matters as Gen. Wood Suggested

Special Cable Despatch to THE SUN.
HAVANA, Oct. 1.—The Constitutional onvention met last night in special session One member was lacking to make a quorum and Senor Giberga was sent for. He came, but explained that his presence vas due solely to his wish to oblige the onvention, as he had determined not to return after the trouble over the purchase of a house for the mother of the late Gen. Marti, which Sefor Giberga opposed.

The convention accepted the recor mendation of Gen. Wood regarding the dates for holding elections and other mat ters in the election law. Gen. Wood was informed by letter that such action had been taken, and, as requested by him. five delegates were named to act for the onduct of the elections.

In view of these changes the convention sonsidered that it had finished its task. and a number of the delegates wished to owever, decided that the convention sould only be dissolved by an order from Gen. Wood.

#### LORD KITCHENER REPORTS. He Does Not Confirm the Stories of Great Staughter at Itala.

Special Cable Despatch to THE STR LONDON, Oct. 1 -- The War Office has received the following despatch from Lord Kitchener, dated Pretoria, yester-

"Since Sept. 23, twenty-seven Boers have been killed, twenty-four wounded, 274 prisoners have been taken and forty-eight have surrendered. In addition to the above, the prisoners taken by the Boers in the attack on Fort Itala, Zululand, on Sept. 26, state that they saw sixty Boers

buried in the enemy's laager This, apparently, does not confirm the reports in some London papers this morning that private advices from Ladysmith were to the effect that 305 Boers were killed in the fight at Fort Itala.

## PRINCE NAKACHIDZE IN PRISON. Dangerous Anarchist and Nibilist Again

Sentenced in Italy Special Cable Desparch to THE SUN Rosse, Oct. 1. The tribunal has sentenced the Russian Prince Victor Naka-Nihilist and a dangerous Anarchist, and who was rearrested on his return a few days ago, to twenty days' imprisonment. The Prince claims to be a legitimate pretender to the Russian throne. He was expelled from France in 1886 for making bombs and was condemned to death in Russia in 1887

for plotting to kill the Czar. It has been reported that the Prince s in the last stages of consumption and that when he was arrested he asked to be allowed to die in peace. The court imposed today's sentence on the ground that he was a

#### FOR COUNT DE PERIGORD. Man Miss Morton Is to Wed Gets \$300,000 and a Mansion From His Mother.

dangerous Anarchist.

Special Cable Despatch to THE SUN. PARIS. Oct. 1.- The courts to-day authorized the Duchess de Sagan to alienate 1,500,000 francs and the mansion on the Rue Saint Dominique in favor of her son Comte de Boson de Perigord, second son of the Duke Talleyrand-Perigord, who is to be married to Miss Helen Morton, daughter of Levi P. Morton. The Duchess is living apart from the Duke, who was legally restrained from handling her fortune on

TO PROSECUTE PARIS PAPER. French Government Aroused by Oblectionable Carleature of king Edward.

Special Cable Hespatch to THE SUN. sided to prosecute the Assietic Au Beurre, the paper which was seized on Saturday for publishing an objectionable caricature of King Edward.

## French Loan for Bulgaria.

PARIS, Oct 1 The Bulgarian Minister of Finance, who was sent to Paris to arrange for a lean, will soon return to Sofia, having accomplished his mission. A loan of 120 000,000 francs will be advanced by the Banque de Paris et Pays Bas at 5 per cent. interest. The loan is to be secured by the tobacco monopoly

Prince Chun Satis for China.

Special Cubie Desputch to THE SUN. GENON, Oct. 1 Prince Chun, brother of the Chinese Emperor, who visited Berlin to express regret for the murder of Baron von Ketteler, the German minister at Pekin. at the outbreak of the Boxer troubles, sailed hence to-day for China on the German warship Bayern, which brought him to

#### Guatemala Denounces Her Commercial Treaty With Germany.

Special Colie Desputch to Thin Str. Berein. Oct. 1 - The Reichsangeiger efficial) states that Guatemala has denounced her commercial treaty with Germany, which expires in 1903.

Turkey's Settlement of a French Claim Special Cable Desputch to THE SUN CONSTANTINOPLE, Oct. 1 - The report is confirmed that the Porte has agreed to France's demand that it settle the Lorando cisim at 9 per cent interest

#### \$125,000 From Carnegle Special Came Desputch to THE SUS

GLASGOW, Oct. 1 .- Andrew Carpegie has donated £25,000 to the Glasgow and West of Scotland Technical College

## MURPHY BACKS UP DEVERY

WON'T TRY THE MERCHANTS

ASSOCIATION CHARGES. Says There is Nothing in Them for Ins Deputy to Answer and He Won't Hear Them Merchants Will Appeal to Van

Wyck Finally, There's the Governor Police Commissioner Murphy has come ut openly in support of Deputy Commissioner Devery's actions in the trial room. He refused even to hold a hearing on the complaint made by the Merchante' Association that Devery has been guilty of injustice, tyranny and oppression in trying

It was not expected that Col. Murphy would grant the demand of the association for Devery's removal, but that he would refuse even to call on Dovery to answer charges made by a body of business men that Devery was hurting the business interests of the city by his conduct at the trials, was not thought possible. Yet that is just what Col. Murphy has done. He says that he fails to find sufficient reason require Mr. Devery to answer to the "alleged" charges. The most important part of the Commissioner's reply is as

follows: Putting these charges into a single phrase, it would appear that you accuse the Deputy Commissioner of Police of injustice, tyranny and oppression while conducting the trials of members of the force. There can be no doubt that the Deputy Commissioner is vested by the Charler with the power to preside at and conduct such trials and to recommend penalties to be inflicted upon these whom he finds guity, provided only that, in so far as the imposition of fine is concerned, the limit of the penalty shall not exceed a maximum of thirty days. Upon a circulation of the penalty shall not exceed a maximum of the penalty shall not exceed a maximum of the records of the trials gresided over by the Deputy Commissioner, I beg to state that I find po case in which there has been the least infraction of this provision of the statute. In support of the charges presented by you there are fifteen specifications. I have examined and carefully considered these specifications, and find that specifications at the trials, and ere claimed to constitute "conduct unbecoming a Deputy Commissioner at the trials, and ere claimed to constitute "conduct unbecoming a Deputy Commissioner "No question is raised as to the legal right of the Deputy Commissioner to conduct such trials, nor that his recommendations of punishment or penalties transgress the statute and it does not seem to me that the charges presented can for a moment be considered as acts of Injustice, tyranny or outpression.

The First Deputy Commissioner was assigned by me to hear the evidence set forth in the trials of the various members of the police force and to report the same to me with his recommendations. The final judgment in each case is rendered by me after an examination of the evidence or testimony, realizing the grave responsibility to be disciplined in each instance I render judgment only after such examination of the evidence or testimony, realizing the grave responsibility to be disciplined by me and also that my findings are liable to review by the courts.

There has been no question raised in either the c it would appear that you accuse the Deputy Commissioner of Police of injustice, tyranny and oppression while conducting the trials

is actuated by the best motives in presenting the same to me, a careful inquiry into and a personal knowledge of the cases referred to therein and a careful consideration thereof forces me to the conclusion that I cannot find sufficient reason to call upon the First Deputy Commissioner of Police to answer to the alleged charges and I must, therefore, respectfully decline to take further action

spectfully decline to take further action respect to the same The Merchants' Association, upon receipt of Commissioner Murphy's answer, referred it to a special committee to consult with the association's counsel as to what further steps shall be taken. It is understood that the association will now present the charges to Mayor Van Wyck. If he refuses to hear them they will be forwarded to Gov. Odell.

VANGUE SITUATION GRAVE. Rebellion May Result From the Distress

and Dissatisfaction There. Special Cable Desputch to THE SUN LONDON, Oct. 2. A despatch to the Standard from Shanghai says that the disorders in the Yangtse provinces owing to the damage caused by the floods and the diversion of the relief funds by officials are likely, it is feared, to culminate in re-

bellion. The situation is very grave. The local authorities of Kiangsu, Anhul and Hupeh have been ordered to raise troops to defend threatened districts.

8600 Worth of Jewelry Stolen.

The home of George Walther at 773 La favette avenue. Prooklyn, was entered by burglars on Monday some time between 11 30 A. M. and 3:30 o'clock in the afterpoon. The lock of the basement door was broken and jewelry valued at \$400 was stolen. The burglars did not get \$130 belonging to Miss Walther, which was in a small box

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